

108TH CONGRESS  
2D SESSION

# H. R. 4649

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2004

Mr. NUSSLE introduced the following bill; which was referred to the Committee on the Budget

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## A BILL

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Discretionary Spend-  
5       ing Control Act of 2004”.

6       **SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.**

7       (a) DISCRETIONARY SPENDING LIMITS.—(1) Section  
8       251(c)(1) of the Balanced Budget and Emergency Deficit  
9       Control Act of 1985 (relating to fiscal year 2004) is  
10      amended—

1 (A) in subparagraph (A), by striking  
2 “\$31,834,000,000” and inserting  
3 “\$28,052,000,000”; and

4 (B) in subparagraph (B), by striking  
5 “\$1,462,000,000” and inserting “\$1,436,000,000”  
6 and by striking “\$6,629,000,000” and inserting  
7 “\$6,271,000,000”.

8 (2) Section 251(c)(2) of the Balanced Budget and  
9 Emergency Deficit Control Act of 1985 is amended by in-  
10 serting a dash after “2005”, by redesignating the remain-  
11 ing portion of such paragraph as subparagraph (D) and  
12 by moving it two ems to the right, and by inserting after  
13 the dash the following new subparagraphs:

14 “(A) for the general purpose discretionary  
15 category: \$817,726,000,000 in new budget au-  
16 thority and \$866,056,000,000 in outlays;

17 “(B) for the highway category:  
18 \$30,585,000,000 in outlays; and

19 “(C) for the mass transit category:  
20 \$1,554,000,000 in new budget authority and  
21 \$6,787,000,000 in outlays; and”.

22 (3) Section 251(c)(3) of the Balanced Budget and  
23 Emergency Deficit Control Act of 1985 is amended by in-  
24 serting a dash after “2006”, by redesignating the remain-  
25 ing portion of such paragraph as subparagraph (D) and

1 by moving it two ems to the right, and by inserting after  
2 the dash the following new subparagraphs:

3 “(A) for the general purpose discretionary  
4 category: \$831,417,000,000 in new budget au-  
5 thority and \$846,280,000,000 in outlays;

6 “(B) for the highway category:  
7 \$33,271,000,000 in outlays; and

8 “(C) for the mass transit category:  
9 \$1,671,000,000 in new budget authority and  
10 \$7,585,000,000 in outlays; and”.

11 (4) Section 251(c) of the Balanced Budget and  
12 Emergency Deficit Control Act of 1985 is amended by re-  
13 designating paragraphs (4) through (9) as paragraphs (7)  
14 through (12) and inserting after paragraph (3) the fol-  
15 lowing new paragraphs:

16 “(4) with respect to fiscal year 2007—

17 “(A) for the highway category:  
18 \$35,248,000,000 in outlays; and

19 “(B) for the mass transit category:  
20 \$1,785,000,000 in new budget authority and  
21 \$8,110,000,000 in outlays;

22 “(5) with respect to fiscal year 2008—

23 “(A) for the highway category:  
24 \$36,587,000,000 in outlays; and

1 “(B) for the mass transit category:  
 2 \$1,890,000,000 in new budget authority and  
 3 \$8,517,000,000 in outlays; and

4 “(6) with respect to fiscal year 2009—

5 “(A) for the highway category:  
 6 \$37,682,000,000 in outlays; and

7 “(B) for the mass transit category:  
 8 \$2,017,000,000 in new budget authority and  
 9 \$8,968,000,000 in outlays;”.

10 (b) DEFINITIONS.—Section 250(c)(4) of the Bal-  
 11 anced Budget and Emergency Deficit Control Act of 1985  
 12 is amended—

13 (1) in subparagraph (B), by—

14 (A) striking “the Transportation Equity  
 15 Act for the 21st Century and the Surface  
 16 Transportation Extension Act of 2003” and in-  
 17 serting “the Transportation Equity Act: A Leg-  
 18 acy for Users”; and

19 (B) inserting before the period at the end  
 20 the following new clauses:

21 “(v) 69–8158–0–7–401 (Motor Carrier  
 22 Safety Grants).

23 “(vi) 69–8159–0–7–401 (Motor Carrier  
 24 Safety Operations and Programs).”;

25 (2) in subparagraph (C), by—

1 (A) inserting “(and successor accounts)”  
2 after “budget accounts”; and

3 (B) striking “the Transportation Equity  
4 Act for the 21st Century and the Surface  
5 Transportation Extension Act of 2003 or for  
6 which appropriations are provided pursuant to  
7 authorizations contained in those Acts (except  
8 that appropriations provided pursuant to sec-  
9 tion 5338(h) of title 49, United States Code, as  
10 amended by the Transportation Equity Act for  
11 the 21st Century, shall not be included in this  
12 category)” and inserting “the Transportation  
13 Equity Act: A Legacy for Users or for which  
14 appropriations are provided pursuant to author-  
15 izations contained in that Act”; and

16 (3) in subparagraph (D)(ii), by striking “sec-  
17 tion 8103 of the Transportation Equity Act for the  
18 21st Century” and inserting “section 8103 of the  
19 Transportation Equity Act: A Legacy for Users”.

20 **SEC. 3. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING**  
21 **WITH REVENUES.**

22 Subparagraphs (B) through (E) of section 251(b)(1)  
23 of the Balanced Budget and Emergency Deficit Control  
24 Act of 1985 are amended to read as follows:

“(B) ADJUSTMENT TO ALIGN HIGHWAY  
SPENDING WITH REVENUES.—(i) When the  
President submits the budget under section  
1105 of title 31, United States Code, OMB  
shall calculate and the budget shall make ad-  
justments to the highway category for the budg-  
et year and each outyear as provided in clause  
(ii)(I)(cc).

“(ii)(I)(aa) OMB shall take the actual level  
of highway receipts for the year before the cur-  
rent year and subtract the sum of the estimated  
level of highway receipts in subclause (II) plus  
any amount previously calculated under item  
(bb) for that year.

“(bb) OMB shall take the current estimate  
of highway receipts for the current year and  
subtract the estimated level of receipts for that  
year.

“(cc) OMB shall add one-half of the sum  
of the amount calculated under items (aa) and  
(bb) to the obligation limitations set forth in  
the section 8103 of the Transportation Equity  
Act: A Legacy for Users and, using current es-  
timates, calculate the outlay change resulting  
from the change in obligations for the budget

year and the first outyear and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

“(II) The estimated level of highway receipts for the purposes of this clause are—

“(aa) for fiscal year 2004,  
\$30,572,000,000;

“(bb) for fiscal year 2005,  
\$34,260,000,000;

“(cc) for fiscal year 2006,  
\$35,586,000,000;

“(dd) for fiscal year 2007,  
\$36,570,000,000;

“(ee) for fiscal year 2008,  
\$37,603,000,000; and

“(ff) for fiscal year 2009,  
\$38,651,000,000.

“(III) In this clause, the term ‘highway receipts’ means the governmental receipts cred-

1           ited to the highway account of the Highway  
2           Trust Fund.

3           “(C) In addition to the adjustment required by  
4           subparagraph (B), when the President submits the  
5           budget under section 1105 of title 31, United States  
6           Code, for fiscal year 2006, 2007, 2008, or 2009,  
7           OMB shall calculate and the budget shall include for  
8           the budget year and each outyear an adjustment to  
9           the limits on outlays for the highway category and  
10          the mass transit category equal to—

11                 “(i) the outlays for the applicable category  
12                 calculated assuming obligation levels consistent  
13                 with the estimates prepared pursuant to sub-  
14                 paragraph (D), as adjusted, using current tech-  
15                 nical assumptions; minus

16                 “(ii) the outlays for the applicable category  
17                 set forth in the subparagraph (D) estimates, as  
18                 adjusted.

19           “(D)(i) When OMB and CBO submit their final  
20           sequester report for fiscal year 2004, that report  
21           shall include an estimate of the outlays for each of  
22           the categories that would result in fiscal years 2005  
23           through 2009 from obligations at the levels specified  
24           in section 8103 of the Transportation Equity Act: A  
25           Legacy for Users using current assumptions.



1           “(ii) When the President submits the budget  
 2           under section 1105 of title 31, United States Code,  
 3           for fiscal year 2006, 2007, 2008, or 2009, OMB  
 4           shall adjust the estimates made in clause (i) by the  
 5           adjustments by subparagraphs (B) and (C).

6           “(E) OMB shall consult with the Committees  
 7           on the Budget and include a report on adjustments  
 8           under subparagraphs (B) and (C) in the preview re-  
 9           port.”.

10 **SEC. 4. LEVEL OF OBLIGATION LIMITATIONS.**

11           (a) HIGHWAY CATEGORY.—For the purposes of sec-  
 12           tion 251(b) of the Balanced Budget and Emergency Def-  
 13           icit Control Act of 1985, the level of obligation limitations  
 14           for the highway category is—

- 15                   (1) for fiscal year 2004, \$34,309,000,000;
- 16                   (2) for fiscal year 2005, \$35,671,000,000;
- 17                   (3) for fiscal year 2006, \$36,719,000,000;
- 18                   (4) for fiscal year 2007, \$37,800,000,000;
- 19                   (5) for fiscal year 2008, \$38,913,000,000; and
- 20                   (6) for fiscal year 2009, \$40,061,000,000.

21           (b) MASS TRANSIT CATEGORY.—For the purposes of  
 22           section 251(b) of the Balanced Budget and Emergency  
 23           Deficit Control Act of 1985, the level of obligation limita-  
 24           tions for the mass transit category is—

- 25                   (1) for fiscal year 2004, \$7,266,000,000;

- 1           (2) for fiscal year 2005, \$7,750,000,000;  
2           (3) for fiscal year 2006, \$8,266,000,000;  
3           (4) for fiscal year 2007, \$8,816,000,000;  
4           (5) for fiscal year 2008, \$9,403,000,000; and  
5           (6) for fiscal year 2009, \$10,029,000,000.

6 For purposes of this subsection, the term “obligation limi-  
7 tations” means the sum of budget authority and obligation  
8 limitations.

9 **SEC. 5. ADVANCE APPROPRIATIONS.**

10       Section 251 of the Balanced Budget and Emergency  
11 Deficit Control Act of 1985 is amended by adding at the  
12 end the following new subsection:

13       “(d) ADVANCE APPROPRIATIONS.—In any of fiscal  
14 years 2005 through 2007, discretionary advance appro-  
15 priations provided in appropriation Acts in excess of  
16 \$23,558,000,000 shall be counted against the discre-  
17 tionary spending limits for the fiscal year for which the  
18 appropriation Act containing the advance appropriation is  
19 enacted.”.

20 **SEC. 6. DEFINITIONS.**

21       (a) IN GENERAL.—Section 250(c) of the Balanced  
22 Budget and Emergency Deficit Control Act of 1985 is  
23 amended by adding at the end the following new para-  
24 graphs:

1           “(20) The term ‘advance appropriation’ means  
2       appropriations that first become available one fiscal  
3       year or more beyond the fiscal year for which an ap-  
4       propriation Act making such funds available is en-  
5       acted.

6           “(21)(A) Except as provided by subparagraph  
7       (B), the term ‘emergency requirement’ means any  
8       provision that provides new budget authority and re-  
9       sulting outlays for a situation that poses a threat to  
10      life, property, or national security and is—

11           “(i) sudden, quickly coming into being, and  
12      not building up over time;

13           “(ii) an urgent, pressing, and compelling  
14      need requiring immediate action;

15           “(iii) subject to subparagraph (B), unfore-  
16      seen, unpredictable, and unanticipated; and

17           “(iv) not permanent, temporary in nature.

18           “(B) An emergency that is part of an aggregate  
19      level of anticipated emergencies, particularly when  
20      normally estimated in advance, is not unforeseen.”.

21       (b) FIRE SUPPRESSION; CONTINGENCY OPERATIONS  
22   RELATED TO GLOBAL WAR ON TERRORISM.—Section  
23   251(b)(2) of the Balanced Budget and Emergency Deficit  
24   Control Act of 1985 is amended by adding at the end the  
25   following new subparagraph:

1           “(I) FIRE SUPPRESSION.—(i) If a bill or  
2 joint resolution is enacted that provides new  
3 budget authority for wildland fire suppression  
4 for fiscal year 2005 or fiscal year 2006 that  
5 would cause the level of total new budget au-  
6 thority for wildland fire suppression to exceed  
7 the base amount for that fiscal year, the adjust-  
8 ment for that fiscal year shall be the additional  
9 new budget authority provided for such purpose  
10 and the additional outlays flowing from such  
11 amounts, but shall not exceed—

12                   “(I) for the Forest Service for fiscal  
13 year 2005 or fiscal year 2006 (as applica-  
14 ble), \$400,000,000; and

15                   “(II) for the Department of the Inte-  
16 rior for fiscal year 2005 or fiscal year  
17 2006 (as applicable), \$100,000,000.

18           “(ii) For this subparagraph, the term  
19 “base amount” refers to the average of the obli-  
20 gations of the 10 fiscal years preceding the cur-  
21 rent year for wildfire suppression in the Forest  
22 Service and in the Department of the Interior,  
23 as calculated by OMB, but for fiscal year 2005  
24 the base amount is \$880,000,000.

1                   “(J) CONTINGENCY OPERATIONS RELATED  
2                   TO GLOBAL WAR ON TERRORISM.—If, for fiscal  
3                   year 2005, supplemental appropriations for dis-  
4                   cretionary accounts are enacted for contingency  
5                   operations related to the global war on ter-  
6                   rorism that, pursuant to this subparagraph, the  
7                   President designates as a contingency operation  
8                   related to the global war on terrorism and the  
9                   Congress so designates in statute, the adjust-  
10                  ment shall be the total of such appropriations  
11                  in discretionary accounts so designated, but not  
12                  to exceed \$50,000,000,000, and the outlays  
13                  flowing in all fiscal years from such appropria-  
14                  tions.”.

15           (c) CONFORMING AMENDMENT.—The second sen-  
16           tence of section 250(c)(4)(A) of the Balanced Budget and  
17           Emergency Deficit Control Act of 1985 is amended to  
18           read as follows: “The general purpose discretionary cat-  
19           egory shall consist of accounts designated in the joint ex-  
20           planatory statement of managers accompanying the con-  
21           ference report on the Spending Control Act of 2004.”.

22   **SEC. 7. PROJECTIONS UNDER SECTION 257.**

23           Section 257(c) of the Balanced Budget and Emer-  
24           gency Deficit Control Act of 1985 is amended by inserting  
25           after paragraph (6) the following new paragraph:

1           “(7) EMERGENCIES.—New budgetary resources  
2       designated under section 251(b)(2)(A) or  
3       251(b)(2)(J) shall not be assumed beyond the fiscal  
4       year for which they have been enacted.”.

5 **SEC. 8. REPORTS.**

6       Subsections (c)(2) and (f)(2)(A) of section 254 of the  
7       Balanced Budget and Emergency Deficit Control Act of  
8       1985 are amended by striking “2002” and inserting  
9       “2006 (or 2009 solely for purposes of enforcing the discre-  
10      tionary spending limits for the highway and mass transit  
11      categories)”.

12 **SEC. 9. EXPIRATION.**

13      Section 275(b) of the Balanced Budget and Emer-  
14      gency Deficit Control Act of 1985 is amended by striking  
15      “2002” and inserting “2006 (or 2009 solely for purposes  
16      of enforcing the discretionary spending limits for the high-  
17      way and mass transit categories)”.

○